

7

Limitations to Monarchical Power

Wim Blockmans

England, reputed in the world for the antiquity of its constitutional and parliamentary traditions, probably up to the seventeenth century had the highest record in western Europe with regard to violent attacks against kings and their immediate environment. Physical assaults against kings or princes did not occur in the old German Empire, and in other kingdoms they were truly exceptional, if they happened at all. This does not mean that there have been no depositions or other forms of limitations of monarchical power. But the frequent resort to physical elimination, however, by murder or by execution after some form of trial, remains such an extreme political practice that it deserves deeper and more general explanations than those merely related to the 'shortcomings of individuals'.¹

One can study this problem by looking at the legitimacy of monarchical rule and the justification of grievances or accusations brought against it. It is highly relevant to distinguish arguments related to the allegedly divine foundation of monarchy, or to arguments related to a secular standard of good governance. Physical elimination of kings and their close relatives was a standard practice among the first generations of the Merovingian dynasty. Until 679, murder was a current practice in the political system. After that date, the impact of Christianisation on the legitimacy of kingship would have channelled political rivalries towards less violent methods.² However correct this interpretation might be, it cannot be generalised to the situation in late-medieval and early-modern England, since one has to assume that the level of Christianization was no less there than in the seventh- or eighth-century Frankish kingdoms. And even if the personality of some rulers might have shown serious shortcomings, this does not yet imply that a king should for that reason be deposed, executed or even murdered.

Nothing is self-evident in such behaviour, especially not within a thoroughly Christian context. Theological theories about tyrannicide cannot explain the practical variation between Christian monarchies either, since these remained very restrictive, while alleged tyrants have been treated differently in different countries.

Therefore, it seems appropriate to compare cases in a number of west-European countries. Political practice was a major source of the development of political thought, and often triggered its elaboration.³ Moreover, it is important to compare the effective frequency and nature of the physical assaults on the ruler in order to distinguish the circumstances that led to such political acts. I therefore concentrate on the experience of the principalities of the Low Countries in the later Middle Ages and the sixteenth century, and compare the typology of violent political conflicts there with that of the Scandinavian kingdoms. These two regions, often left out in analysis, are quite different in geographical, social and economic respects; their political traditions also followed very different paths. Since during the period under consideration no murders of monarchs occurred in the latter, and only two in the former region, the question has to be addressed in which ways deep political crises were handled in the regions. The identification of the main contenders within each political system, its structure and culture should enable us to formulate conditions for the frequent resort to physical violence in England, as opposed to other known devices in limiting the power of monarchs. Let us first try to establish a casuistic catalogue by type of treatment.

Murder and execution

Two cases of monarchical murder are famous in the history of the Low Countries since they immediately triggered strong emotional reactions among the population and gave birth to a cultic tradition. The earliest is that of Charles the Good, count of Flanders, in 1127, while he was praying in Saint Donatian's church in Bruges. It was immediately clear that this was an act of revenge by a member of the clan led by the chancellor. He had been in office for 35 years and had become the leader of a mighty clan whose abuse of power had been challenged by the count. The murderers and their followers were soon annihilated, the murdered count was soon beatified and one of the local canons wrote a detailed report of the events copied throughout the Middle Ages and published in several translations.⁴ It is clear that in this case the victim was a monarch whose correct and modernising policy went

against usurped positions, he had the law and the majority of the people on his side

The murder in 1296 of Count Floris V of Holland and Zeeland has a comparable background. This ruler was equally praised for his good governance but his change of alliances with England and Flanders on the one hand, and France on the other, led to a conspiracy of some Holland noblemen, probably supported by Edward I and Count Guy of Flanders. The murderers were soon sentenced and the event gave rise to a literary tradition in which the plotters were blamed.⁵

Both cases can be interpreted as a traditional feudal reaction against a modernising prince, whom the plotters could not yet see as a depersonalised ruler. A similar fate had struck King Canute IV of Denmark, Count Charles the Good's father. He had been murdered in 1086 while repenting in Saint Alban's church in Odense. He had tried to introduce strict religious laws, which had provoked resistance, after his expedition against England had failed, he had tried to put down an insurrection. The people's bad feelings about the murder led to the king's prompt beatification in 1101.

The fact that all these cases occurred before the introduction of a depersonalised state, may lead us to conclude that the institutionalisation of monarchy based on sacral principles became a decisive factor. As a consequence, the execution of a prince's high officials, held responsible for bad governance, became a frequent practice, especially in the cities of the Low Countries. The most famous case is that of the public execution of chancellor Guillaume Hugonet and governor Guy de Brimeu, seigneur d'Humbercourt, after a summary trial by the local authorities in rebellious Ghent in 1477. At the same time, dozens of local magistrates were similarly sentenced for their collaboration with the deceased duke Charles the Bold.⁶ More executions of high officers of the duke took place during the revolts at Bruges in 1436 and 1488.⁷ Although during these revolts the course of justice surely was not correct, none of these executions of officers can be labelled as murder as there was always a formal accusation, some kind of trial, and the executions were public.

Captivity

Rulers could be held captive when they suffered from mental illness, which made them not only incapable of governing but also possibly dangerous. In none of these cases was the ruler dethroned, but effective power transferred to the hands of a regent. Such was the well-known

case of the unhappy Count William V of Hainault, Holland and Zeeland. His illness appeared quite suddenly in 1357, some years after his accession to the throne. His frenetic behaviour led the family to call upon his younger brother Albert, Duke of Bavaria. He effectively ruled the three counties as regent until William's death in 1389, after stark captivity in the castle of Le Quesnoy in Hainault; only then did Albert assume his brother's comital titles.⁸ During his years of captivity, William fell into nearly absolute insanity. Later chroniclers passed rapidly over his rule, seemingly embarrassed by the count's incapacity.

Queen Joan of Castile was never deprived of her royal crown of Castile while she was kept in safe custody in the castle at Tordesillas. Over nearly 50 years until her death in 1555 she received very little public attention, with the sole exception of the *comuneros* rebels who in 1520 tried to use her authority for their sake.⁹ While her father had ruled as regent in her name during her son Charles's minority, the latter had himself jointly crowned as king of Castile.¹⁰ Madness was a most embarrassing phenomenon for a ruler chosen by God's grace. Contemporaries dealt with such situations as they could, leaving the unlucky monarchs very little except their title.

Count Reynold I of Guelders (ruled 1271–1318) offers a more complicated case. His son Reynold had him imprisoned in Montfoort castle because of his absent-mindedness, due to old age. His behaviour had seemed extravagant to his contemporaries for some years already, but it can hardly be considered as madness, rather more an increasing incapacity to govern. It was not until his father's death in 1326 that the son took the title of count.¹¹

It seems that depositions then became part of the political tradition in Guelders, since in 1361 Duke Reynold III was dethroned by his younger brother Edward. However, Reynold returned to office for some months after Edward's death in 1371. This clearly points to rivalry rather than to any explicit argument about bad government or to incapacity due to mental weakness. During William's ensuing minority, his mother ruled as regent until she in her turn was deposed in 1379. In 1465, the ambitious Adolphe imprisoned his father Duke Arnold, whose title he usurped. In 1471, however, Arnold was brought back to the throne under pressure from Duke Charles of Burgundy on condition of his recognising him as his only heir. Thus Charles could take possession of the duchy in 1473. When he died in 1477, Adolphe returned as the duke, albeit it again for some months only, since he died on the battlefield in June of that year. The repeated depositions are obvious indications of the monarchy's weakness, prone as it was to

foreign interference and pressure from noble or urban groupings within the duchy. In none of these cases did public debate make an explicit argument about the quality of government: rivalry for power in a weakly developed political and administrative system seemed the only motive.

During the struggle for power in the 1420s and 1430s in the counties of Hainault, Holland and Zeeland, Countess Jacqueline of Bavaria was kept as a virtual prisoner by her rival Duke Philip of Burgundy, during the summer of 1425. While it was his firm intention to bring her under his even tighter control to Lille, she managed narrowly to escape, dressed as a man. The aim of her captivity was not only to keep her away from her territories, but also to prevent her from seeking support, remarrying, and, the worst possible scenario, eventually producing an heir. Another of her competitors, her uncle John of Bavaria, had died in January of that year, murdered, as it was claimed by some and confessed to under duress by a suspect, with a poisoned prayer-book.¹² All these exceptional events had very little to do with the justification of good government towards the people, but more with the struggle by any means among contenders for the throne.

A monarch's captivity for reasons of bad government occurred rather seldom on the European continent, though two noticeable cases deserve attention. Christian II had been elected as king of Denmark, Norway and Sweden in 1513. However, the three crown councils had formulated such strict conditions for his government that he attempted ferociously to subdue the nobility and the clergy. After the so-called Stockholm massacre, the Swedish *ting* renounced their allegiance to him in 1522. A year later, a revolt in Denmark forced him into exile to the Low Countries where he sought the support of his mighty brother-in-law, Emperor Charles V. When in 1531 he finally attempted an invasion in Norway, his successor Frederick I threw him in jail where he was kept until his death in 1559. Under the system of the Scandinavian elective monarchy, several kings had been dethroned but they mostly chose to live in exile. Some were even called back, such as the Swedish King Karl Knutson in 1464.¹³ The harshness of Christian's treatment can be explained legally by his attempt to recapture the crown by military means. Moreover, this king was generally renowned for his brutal and foolish character. Nevertheless, it is striking that the Scandinavians did not execute him, as might have happened in similar situations in England.

Another noticeable case of monarchical captivity is that of the Roman King Maximilian. During three-and-a-half months in 1488 the burghers

of Bruges kept their ruler – he then was tutor and regent for his younger son – in safe custody within their walls. But they had no preconceived plan in mind, and became increasingly embarrassed by the situation they had themselves created, having reacted impulsively to what they had felt was a military threat. After having let Maximilian enter the city, they had shut the gates to keep his troops outside, afraid as they were for their repression. Under his eyes they overthrew and incriminated the local magistrate, captured several of his principal councillors and executed some of them on the main square. A revolutionary regency council then took over power in the county of Flanders. They liberated Maximilian only after he had subscribed to substantial limitations of his authority and left two high noblemen as hostages. In the long-lasting period of tension between Maximilian and his subjects in the Low Countries, the unexpected and totally unprecedented captivity of such a high-ranking monarch was used by the representative institutions to strengthen their constitutional position.¹⁴ More generally, captivity of entitled monarchs appears to have been very exceptional on the continent. It has been applied as a means of eliminating opponents in unstable dynastical situations such as that in Guelders, and briefly also in Holland.

Deposition and exile

Widespread dissatisfaction with a ruler's policy repeatedly led to revolts forcing him into exile. In the course of the fourteenth century the county of Flanders repeatedly saw large uprisings that reduced or temporarily annihilated the monarch's grasp. The young Count Louis de Nevers faced a broad rebellion of the peasants, which became linked to a revolt of the artisans against the patrician magistrate in the city of Bruges. Over five years, from 1323 to 1328, the count lost control of more than half his territory, which he could recover only through the intervention of a French army. At the outbreak of the Hundred Years' War in 1337, the same count had to corroborate the policy of a revolutionary government in Ghent. Apart from their antipathy towards the French monarchy, which had repeatedly helped to oppress them, the Flemish communes indeed had strong economic reasons to opt for the English side. In 1340 Edward III was hailed on the Friday Market in Ghent as the king of France. In 1342, the count himself was replaced by a regent, the Lombard banker Simon de Mirabello, who had lent Ghent large sums of money. For about ten years, the county was in fact ruled by a consortium of the three major cities, while in each of them

the craftsmen, especially those in the dominant textile industry, held strong influence in the administration.

A similar revolt forced Count Louis of Male into exile to France from 1379 until his death in 1384. It was only by giving in to nearly all the claims of the three major cities, that his son-in-law, Duke Philip the Bold of Burgundy, managed to pacify the county as a whole in 1385. The count could hardly counter-balance the power of the major cities, as long as they remained united, which certainly was not always the case. The opposition against the Flemish monarchs was thus not so much targeting on complaints about their personal rule in particular: the issue was rather more about the form of government, whereby the main forces in the county strove at having a direct say in all matters regarding them. The monarchy as such was not at stake, more its willingness to share power in many respects, particularly with the leaders of the largest cities. During the fourteenth century, the person of the count was never assaulted, none of the counts was deposed, nor did anybody plead in favour of a purely republican constitution. Nevertheless, the extraordinarily high frequency of regional and local revolts established a very delicate balance in which particular circumstances of any nature might easily tip the scales. During the roughly 270 years between 1297 and the Great Revolt of the Netherlands, general revolts raged in the county for a total of 28 years, with large uprisings in at least one of the major cities in another 14 years more; altogether, Flanders was in revolt one year in seven, a frequency which, like that of bad harvests, must have left deep imprints in the people's collective memories.¹⁵ During the fifteenth century, some local revolts turned into dangerous situations for the dukes and their immediate environment, but even in the greatest turmoil their persons nevertheless remained untouchable.

Duke John IV of Brabant fled the city of Brussels on 30 September 1420 after several months of sharp confrontations with the States. The duchy had already by then an exceptional constitutional tradition, which had developed through a long series of problematic successions to the throne. John had succeeded to his father who was killed at the battle of Agincourt in 1415, at the age of 13. The States had immediately installed a regency council from within their midst. It must be said that Duke John IV seems to have been a very weak personality in all respects. He had been married to Countess Jacqueline of Bavaria, but she left him fairly quickly and he saw no possibility of gaining any authority in her territories, although the States of Brabant had granted aid for just this purpose. The States kept firm control over him by prescribing that all

acts issued by the duke had to be sealed in the presence of four councillors at least. After two years, the duke got rid of the regency council, but the States remained vigilant. In 1420, they drafted a list of grievances against the government, for which the councillors were held responsible. *Infringements against the inauguration charter* were listed, control was claimed of the financial policy, especially of the expenditure of the aid granted by the States, and of the appointment of high officers. The States held 'evil councillors' responsible for bad government and called upon the duke's younger brother Philip of Saint-Pol, to act as regent under their firm control. After two failed attempts to recover the city, in May 1421 John had to agree to the principle that the States could lawfully refuse any service to the duke and choose a regent in his place in the event of, and as long as the duke continued to, infringe any rights and privileges of the subjects. Further confrontations during the following years indicated the firm intention of the barons and the cities to keep the control they had gained.¹⁶

In the course of the fifteenth century several Scandinavian kings were removed from the throne under pressure from assemblies of the four estates and rebellions. It happened to Erik in 1435–36, with his formal deposition in 1439; Karl Knutson was dethroned and forced into exile in 1457; Christian I was exiled from Sweden to Denmark in 1464; Karl was then called back, but dethroned again in 1470. In each case, decisions were taken by councils composed of dozens of bishops, knights and squires who enforced extensive accession charters on the candidates.¹⁷

Institutionalised control

Although the level of social diversification and the population density were much higher in the Low Countries than in Scandinavia, we observe similar tendencies to try and limit by legal means excesses in the exercise of monarchical power. The cases of murder and imprisonment were all related to rivalries among noble contenders for the throne. Assemblies and rebellions by the subjects, on the other hand, tended to bind rulers to contracts and to keep an eye on the application of the agreements. If no form of collaboration seemed possible, flight or exile were the best possible options, with no wish to attack the person of the monarch physically.

In the course of the fifteenth century, several institutional arrangements developed in the Low Countries which all created opportunities for dialogue and criticism on the monarch's rule. The representative

institutions met at frequent intervals and tended to unite on the same scale as that of the territorial extension of the dynastic state. They have often been the forum for very open, even conflictual exchanges of political choices.¹⁸ Further, the monarchs created institutions where they accepted they would be criticised and even corrected. In the chapters of the Order of the Golden Fleece, the Knights were all entitled to expound grievances against all members, the sovereign included. The minutes show that this did effectively happen under Charles the Bold and Maximilian. On a larger scale, subjects could introduce cases against the government before the high court, the Great Council, consolidated in Mechelen in 1504. The autonomy of the court allowed certainly for legal redress of grievances, beyond the administrative practice developed in this regard in the course of the negotiations in the representative assemblies.

In the extreme case of the deposition of King Philip II of Spain as lord in the principalities of the Low Countries, the States General proceeded with extreme legalistic vigilance, seeking precedents and enumerating violations against concrete articles and stipulations of the inauguration charters and oaths.¹⁹ They referred to natural and canon law, but tyrannicide did not enter their scope. It was clearly not a general phenomenon in European political culture, after the time of feudal competition before the Wars of Religion, to think in these terms.

Notes

1. John Gillingham, *The Wars of the Roses. Peace and Conflict in 15th Century England* (London 2002), 256.
2. See Joachim Ehlers, 'Grundlagen der europäischen Monarchie in Spätantike und Mittelalter', *Majestas* 8/9 (2000/02), 49–80.
3. Quentin Skinner, *Visions of Politics. Vol. I. Regarding Method* (Cambridge 2002).
4. Galbert of Bruges, *The Murder of Charles the Good, Count of Flanders*, translated and edited by James Bruce Ross (New York 1967); R.C. van Caenegem and Albert Demyttenaere, eds, *Le meurtre de Charles le Bon* (Antwerp 1978), 15–27; Galbertus Notarius Brugensis, *De multro, traditione et occisione Karoli comitis Flandrianum*, Jeff Rider, ed. (Turnhout 1994).
5. Wim van Anrooij, ed., *Floris V door de edelen vermoord: beeldvorming sedert 1296* (Leiden 2002); Jan Willem Verkaik, *De moord op graaf Floris V* (Hilversum 1996); D.E.H. de Boer, E.H.P. Cordfunke, H. Sarfatij, eds, *Wi Florens.... de Hollandse graaf Floris V in de samenleving van de dertiende eeuw* (Utrecht 1996).
6. C. Paillard, *Le procès du chancelier Hugonet et du seigneur d'Humbercourt* (1880); Pierre Frédérix, *La mort de Charles le Téméraire* (Paris 1966); Yves

- Cazaux, *Marie de Bourgogne* (Paris 1967); W.P. Blockmans, ed., 1477. *Le privilège général et les privilèges régionaux de Marie de Bourgogne pour les Pays-Bas* (Anciens Pays et Assemblées d'Etats LXXX), (Kortrijk-Heule, 1985).
7. Jan Dumolyn, *De Brugse Opstand van 1436–1438* (Anciens Pays et Assemblées d'Etats CI), (Heule 1997), 160–7; Robert Wellens, 'La révolte brugeoise de 1488', *Handelingen van het Genootschap 'Société d'Emulation' te Brugge*, CII (1965), 5–52.
 8. He is said to have been kept 'in strictissimis vinculis ligato': Johannis de Beke, *Chronographia, Continuatio IV*, ed. H. Bruch (The Hague 1973) 326–8, 333–4.
 9. Wim Blockmans, *Emperor Charles V 1500–1558* (London 2002) 162–3.
 10. Manuel Fernandez Alvarez, *Carlos V, el César y el Hombre* (Madrid 1999) 63–83.
 11. Peter Moors, 'Frenetieke activiteit? De religieus-ideologische politiek van graaf Reinoud I van Gelre', *Bijdragen en Mededelingen Gelre XCI* (2000) 37–77.
 12. Richard Vaughan, *Philip the Good* (London 1970) 36–40.
 13. Hermann Schück, 'Sweden's Early Parliamentary Institutions', in Michael Metcalf, ed., *The Riksdag: A History of the Swedish Parliament* (Stockholm 1987), 28–39.
 14. Wellens, 'La révolte brugeoise de 1488', *op. cit.*; W.P. Blockmans, 'Autocratie o polyarchie? La lutte pour le pouvoir politique en Flandre de 1482 à 1492, d'après des documents inédits', *Bulletin de la Commission royale d'Histoire CXL* (1974) 257–368.
 15. Wim P. Blockmans, 'Alternatives to Monarchical Centralisation: the Great Tradition of Revolt in Flanders and Brabant', in Helmut G. Koenigsberger and Elisabeth Muller-Luckner, eds, *Republiken und Republikanismus im Europa der Fruhen Neuzeit* (Munich 1988) 131–2; Marc Boone and Maarten Prak, 'The Small Tradition of Revolt in the Low Countries', in Karel Davids and Jan Lucassen, eds, *A Miracle Mirrored: the Dutch Republic in European Perspective* (Cambridge 1995).
 16. André Uytendaele, *Le gouvernement du duché de Brabant au bas moyen âge (1355–1430)*, (Brussels 1975) 490–517.
 17. Schück, 'Sweden's Early Parliamentary Institutions', 24–8.
 18. Robert Wellens, *Les Etats Généraux des anciens Pays-Bas, des origines à la fin du règne de Philippe le Beau (1464–1506)* (Heule 1974); Helli G. Koenigsberger, *Monarchies, States General and Parliaments: the Netherlands in the Fifteenth and Sixteenth Centuries* (Cambridge 2001).
 19. Wim P. Blockmans, 'Du contrat féodal à la souveraineté du peuple. Les précédents de la déchéance de Philippe II dans les Pays-Bas (1581)', *Assemblee di Stati e Istituzioni rappresentative nella storia del pensiero politico moderno. Annali della Facoltà di Scienze Politiche, Università di Perugia* (Rimini 1983) 135–50.